



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD)No.18563 of 2017
and W.M.P(MD)No.14952 of 2017

M.Devan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department, Secretariat,
Chennai.

2.The Inspector General of Police/Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.

3.The Director General of Police,
Tamil Nadu, Chennai - 4.

... Respondents

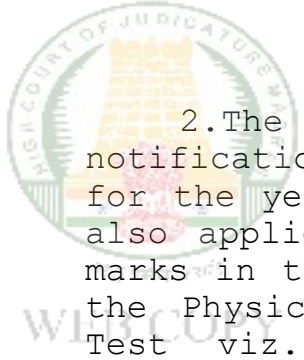
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in C.No.A3/2039/2017, dated 24.08.2017 and quash the same as illegal and consequently, to direct the respondents to consider the petitioner for selection and appointment to the post of Sub-Inspector of Police, 2015 recruitment within the period stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel for
M/s.Ajmal Associates

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent, dated 24.08.2017 and consequently, to direct the respondents to consider the petitioner for selection and appointment to the post of Sub-Inspector of Police for the year 2015 within the period stipulated by this Court.



2.The case of the petitioner is that pursuant to the notification for recruitment to the post of Sub-Inspector of Police for the year 2015, applications were called for and the petitioner also applied for the same. Since he secured the required cut-off marks in the written examination, he was allowed to participate in the Physical Measurement, Endurance Test and Physical Efficiency Test viz., rope climbing on 05.07.2015, in which, he was disqualified on the ground that he had held his legs while climbing the rope. Hence, the petitioner sought for video clippings of his rope climbing before the authorities. The second respondent, by proceedings, dated 23.02.2017 informed the petitioner to collect the video clippings and the petitioner received the same on 14.06.2017, in which, it is seen that he has not held his legs, while climbing the rope. Hence, the petitioner preferred an appeal to the second respondent, who in-turn, rejected the same on the ground that he has hugged/held his legs while climbing the rope. Challenging the impugned order passed by the second respondent, the petitioner has filed the present Writ Petition.

3.On notice, the second respondent filed a counter-affidavit and stated that the video was re-examined in consultation with the sports officer of SDAT and it was found that the petitioner used his thigh to cling on the rope and declared as foul and hence, he was rightly disqualified. It is further stated therein that the disqualified candidate cannot be given another chance, as it would affect the other meritorious candidates and would result in delaying the entire process of recruitment. The counter-affidavit also proceeds to state that the entire selection process of Sub-Inspector of Police for the year 2015 was completed and the selected candidates, after undergoing training, were posted in various Districts and the claim of the petitioner to appoint him as Sub-Inspector of Police for the year 2015 could not be considered, as he failed to secure minimum one star in the rope climbing event, which is mandatory for qualifying the Physical Efficiency Test, as per Rule 14 of TNPSS Rules. Thus, the second respondent sought to dismiss this Writ Petition.

4.Heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials placed before this Court. The Videography of the selected candidates along with the petitioner was also shown in the open Court, as directed by this Court.

5.The stand now taken by the respondents cannot be slightly brushed aside, as it is well settled that the Court, while exercising, whether the authorities exercised fair play in action, reasonableness in collecting decisional materials and avoidance of arbitrariness, should not sit in appeal over the decision of the selection of the authorities and to venture into an assessment done and the correctness thereof, unless the authorities commit illegality in its procedure vitiating the selection or malafides are proved affecting the selection.



6. In the present case, the petitioner has not made out a strong case to arrive at an irresistible conclusion that the selection process is vitiated. As such, this Court is not inclined to interfere with the order impugned herein. Hence, the Writ Petition deserves to be dismissed and accordingly, the same is dismissed. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Rep. by the State of Tamil Nadu,
Home Department, Secretariat,
Chennai.

2. The Inspector General of Police/Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai - 8.

3. The Director General of Police,
Tamil Nadu, Chennai - 4.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-56218[F] dated 25/03/2019)

W.P (MD) No. 18563 of 2017
22.03.2019

ps

ES/DS/23.04.2019/3P/5C